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10/822,879	04/13/2004	Alex Cooper		3178

7590 10/19/2005
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EXAMINER

BISSETT, MELANIE D

ART UNIT	PAPER NUMBER
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1711

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Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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1005

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Commissioner for Patents

The amendment filed on 7 August 2005 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they are separate and patentably distinct from the original claims. The original claims called for a three-layered polyurethane pad having a polyurethane layer with curing agent, a second polymer layer with curing agent, and an intermediate layer, where the curing agent of the polyurethane layer migrates into the intermediate layer. The current claims call for a three-layered generic pad, where each layer contains a curing agent and the curing agent of the intermediate layer migrates into either of the outer layers. The current claims do not require a polyurethane or even polymeric layers, and the inventive feature of curing agent migration is not the same. Thus, the current claims are separate and patentably distinct from the original claims. Note also that the current claims would be classified differently than the original claims and would require an entirely different search strategy.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Melanie D. Bissett
Patent Examiner
Art Unit: 1711